

67-100 (3)

IN THE HIGH COURT OF JUDICATURE, AT-BILASPUR(C.G.)

WRIT PETITION NO. 4738 OF 2004

BETWEEN

PETITIONER

P.R. No. 4788/04
Presented by Shri. R.K. Keshavn
dated 07-12-04

FIRTU RAM SAHU
AGED - 54 YEARS,
SON OF SHRI BHAGAU RAM SAHU
POSTED AS - ASSISTANT TEACHER,
AT - GOVT. MIDDLE SCHOOL, KUMHARI,
BLOCK - KASDOL,
DISTRICT - RAIPUR (C.G.)
R/O KUMHARI, BLOCK - KASDOL,
DISTRICT - RAIPUR (C.G.)

VERSUS

RESPONDENTS

:

1. STATE OF CHHATTISGARH
THROUGH - THE SECRETARY
SCHOOL EDUCATION DEPT.
MANTRALAY, D.K.S. BHAWAN,
RAIPUR.
2. THE DISTRICT EDUCATION OFFICER,
AT - RAIPUR (C.G.)
3. BLOCK EDUCATION OFFICER,
AT - KASDOL, DISTT. - RAIPUR (C.G.)

RECEIVED COPY
7/12/04
Clerk to A. G. Bilaspur

**WRIT PETITION UNDER ARTICLE- 226 & 227 OF CONSTITUTION OF
INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS,
PROHIBITION, SUITABLE DIRECTION OR DIRECTIONS, ORDER OR
ORDERS**

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 4238 सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	14.01.2005 :- Shri R.K.Kesarwani learned counsel for the petitioner. Shri Akhil Agrawal, learned P.L. for the State/respondent. Heard. The petitioner by this instant petition has challenged the transfer order dated 13.08.2004 of Annexure P/1 by which the petitioner has been transferred from Govt. Middle School, Kumhari, Kasdol to Govt. Primary School, Datrenga, Dharsiwan on the ground that the order of transfer is without any administrative exigency and as per Shiksha Sanhita one teacher should be posted for every 45 students in Middle School, Kumhari, Kasdol but this ratio has not been observed as after transfer of the petitioner only one Headmaster remains in the said school. Learned counsel for the petitioner further submits that the petitioner made a representation on 20.09.2004 for cancellation of his transfer order but however, his representation has not been decided. On the other hand learned counsel for the respondent submits that from the perusal of the transfer order it is clear that not only the petitioner but other teachers have also been transferred on administrative ground and the transfer is an incidence of service, it can not be challenged as the Apex Court has time and again held that the Court should not interfere in the matters of transfer unless it is shown that is prohibited or it has been done malafidely. In this regard, 2003 volume 4 SCC 3104 is relied upon by the State counsel.	

मामला क्रमांक W.P. 4738 सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	Considering the facts and circumstances of the case, I am of the opinion that the instant petition has no merits and it deserves to be dismissed and it is accordingly dismissed.	Sd/- Dhirendra Mishra Judge

1/Chao

17/10/04
22/10/04